06/24/05

Patent Application 09/684,706 DA

DA T

Atty. Docket No. SENS.P002

PATENT

IN THE UNITED STATES PATENT OFFICE

| In Re Patent Application of: |) | Examiner: | Joseph E. Avellino |
|-----------------------------------|----|-----------|--------------------|
| |) | Art Unit: | 2143 |
| David C. Gelvin, et al. |) | | |
| |) | | |
| Application No. 09/684,706 | | | |
| |) | | |
| Filed: October 4, 2000 |) | | |
| |) | | |
| For: APPARATUS FOR |) | | |
| INTERNETWORKED WIRELESS |) | | |
| INTEGRATED NETWORK SENSORS (WINS) | _) | | |
| | | • | |
| Mail Stan Patition | | | |

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sir:

Applicants respectfully petition for withdrawal of the holding of abandonment in the above-identified application.

Applicants respectfully submit that the holding of abandonment is a result of a mistake by the United States Patent and Trademark Office (USPTO) in failing to properly consider information contained in a Power of Attorney by Assignee and Certification under 37 CFR § 3.73(b) with revocation of prior powers (referred to herein as "Power of Attorney") received by the USPTO on August 2, 2002. (Exhibit 1).

This mistake by the USPTO resulted in all correspondence in the above-referenced application from the USPTO since August 2, 2002 being addressed and sent to the wrong correspondence address by the USPTO as described herein. As a result, Applicants did not receive the Office letter mailed August 26, 2004 that is identified on the Notice of Abandonment (Exhibit 2).

STATEMENT OF FACTS

1. Applicants were represented by the undersigned attorney at the law firm Wilson Sonsini Goodrich & Rosati ("WSGR") when the present application was filed on behalf of Applicants on October 4, 2000.

06/27/2005 MAHMED1 00000040 09684706

- 2. The undersigned attorney subsequently left WSGR and began representing Applicants at the law firm Perkins Coie. The undersigned attorney filed an information disclosure statement on November 30, 2001 from Perkins Coie indicating a correspondence address of Perkins Coie. The undersigned attorney further filed a Request for Status of the application on March 26, 2002 indicating a correspondence address and a customer number of Perkins Coie.
- 3. A Status Letter Reply was sent from the USPTO to WSGR and received by WSGR on April 2, 2002. The Status Letter Reply was forwarded by WSGR to the undersigned attorney at Perkins Coie.
- 4. The undersigned attorney subsequently left Perkins Coie and began representing Applicants at the law firm Shemwell Gregory & Courtney ("SGC"). On July 24, 2002, the undersigned attorney filed a Power of Attorney by Assignee and Certification under 37 CFR § 3.73(b) with revocation of prior powers (referred to herein as "Power of Attorney") received by the USPTO on August 2, 2002. (Exhibit 1). Exhibit 1 includes an itemized postcard, stamped by the USPTO to indicate the USPTO received the Power of Attorney on August 2, 2002. The Power of Attorney revokes all previous powers and appoints SGC (also indicated by customer number 30554). The Power of Attorney further requests all correspondence be directed to the address of SGC.
- 5. The undersigned attorney submitted (by mail) an information disclosure statement mailed January 6, 2003 in the present application from SGC indicating the correspondence address of SGC.
- 6. Charles Shemwell, law partner of the undersigned attorney, submitted two electronic information disclosure statements from SGC on December 10, 2003, and on July 29, 2004.
- 7. Neither SGC, nor the undersigned attorney ever received any correspondence in this case from the USPTO at the SGC address. No Office letter was ever received by the undersigned attorney, either directly form the USPTO or from any previous law firm representatives of Applicants. Applicants' are still not in possession of any Office letter in this application.
- 8. A Notice of Abandonment was received by the undersigned attorney at SGC on May 19, 2005. The Notice was first sent to WSGR by the USPTO (received by WSGR on May 9, 2005), and then forwarded to Perkins Coie (received by Perkins Coie on May 16, 2005.
- 9. The Notice of Abandonment includes a statement under item 7 as follows: "Examiner has attempted to contact the attorney of record, however all attempts to receive a status on the case have failed". The undersigned attorney states that:

- a) undersigned attorney never received any communication of any kind from the Examiner or from a previous law firm representative of Applicants (WSGR or Perkins Coie) regarding this application;
- b) undersigned attorney is in contact with staff at both WSGR and Perkins Coie, and in other applications of current Applicants (which have similarly not had Powers of Attorney properly entered), has been contacted by such staff when USPTO personnel have attempted to reach undersigned attorney at WSGR and Perkins Coie; and
- c) undersigned attorney's listing on the USPTO attorney registry web site is current and correct, and is as follows:

Gregory, Richard, Jr Shemwell Gregory and Courtney, LLP 4880 Stevens Creek Blvd., Suite 201 San Jose CA US 95129 408-236-6646 42607 Attorney

DECLARATION

I, the undersigned attorney, declare that the facts stated herein are correct based on the file history of the application and personal knowledge. I declare that I properly submitted the Power of Attorney as evidenced by Exhibit 1. I further declare that I never received or had knowledge of any Office letter in this application. I still do not have possession of, and have not seen, any Office letter in this application.

I hereby state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, USC §1001 and that such willful false statements may jeopardize the validity of the this application or any patent issued thereon.

POINTS TO BE REVIEWED

Applicants respectfully request the Director to review the evidence presented in this Petition, as well as the file history in this application to confirm that, due to the mistake of the USPTO in not entering the Power of Attorney and new correspondence address, Applicants had no knowledge of any Office letter being mailed in this case. Therefore, Applicants had no opportunity to respond to the Office letter.

ACTION REQUESTED

Applicants respectfully request that the holding of abandonment be withdrawn in this application.

Applicants further request that the Office letter said to be mailed on August 26, 2004 be resent to the current, proper correspondence address with a new mailing date.

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Enclosed herewith is a Fee Transmittal and a check for \$130.00 for the fee under 37. C.F.R. § 1.17(h). Please charge deposit account 501914 for any additional fees due in connection with this paper.

Respectfully submitted,

Date: June 21, 2005

Richard L. Gregory, Jr., Reg. No. 42,607

Tel. 408-236-6646

Customer Number 30554 Shemwell Gregory & Courtney LLP 4880 Stevens Creek Blvd., Suite 201 San Jose, CA 95129



Attorney Docket No.: SENS.P002

Patent Application

Transmittal of Petition

Certification Under 37 C.F.R. §1.10 (if applicable)

EV 652 317 625 US

June 22, 2005

"Express Mail" Label Number

Date of Deposit

I hereby certify that this application, and any other documents referred to as enclosed herein are being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and addressed to MS PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Richard L. Gregory, Jr.

(Print Name of Person Mailing Application)

Signature of Person Mailing Application)

| | /Issue Date: October 4, 2000 Client: Sensoria, Inc. | | | |
|--|---|--|--|--|
| Title: Apparatus for Internetworked Wireless Internetw | egrated Network Sensors (WINS) | | | |
| Atty. Docket No.: SENS.P002 | Date Mailed: June 22, 2005 | | | |
| The following has been received in the U.S. Pa | tent & Trademark Office on the date stamped hereon: | | | |
| ☐ Amendment/Response (pgs.) | Petition under 37 CFR 1.181 (4 pages) | | | |
| Preliminary Amendment (2 pgs.) | ☐ Information Disclosure Statement & PTO/SB/08A | | | |
| Application - Utility (35 pgs.) | ☐ Issue Fee Transmittal | | | |
| Application - Rule 1.53(b) Contin. (pgs.) | ☐ Submission of Formal Drawings Letter | | | |
| Application - Rule 1.53(b) Divis. (pgs.) | ☐ Notice of Appeal | | | |
| Application - Rule 1.53(b) CIP (pgs.) | Appeal Brief (pgs. in triplicate) | | | |
| Application - Rule 1.53(d) CPA (pgs.) | Reply Brief | | | |
| ☐ Application - PCT (pgs.) | Response to Notice of Missing Parts | | | |
| ☐ Application - Provisional (pgs.) | ☐ Utility Patent Application Transmittal | | | |
| ☐ Drawings (Formal, sheets) | ✓ Fee Transmittal (PTO/SB/17p in duplicate) | | | |
| Declaration (pgs.) | ☑ Itemized Postcard | | | |
| Assignment & Cover Sheet (pgs.) | ☐ First Class Mail Certificate Of Mailing | | | |
| Power of Attorney by Assignee (pgs.) | ☑ Express Mail NoEV 652 317 625 US | | | |
| ☐ Nonpublication Request (35 USC 122(b)) | ☑ Check No. 4280 Amt \$130.00 | | | |
| Other Exhibit 1 (Copy of previously filed Power of Attorney and stamped return postcard); and | | | | |

PTO/SB/17p (11-04)

Approved for use through 07/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

RADE IN Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450

| | | _ |
|------------------------|--------------------|---|
| Application Number | 09/684,706 | |
| Filing Date | 10/04/2000 | |
| First Named Inventor | David C. Gelvin | |
| Art Unit | 2143 | |
| Examiner Name | Joseph E. Avellino | |
| Attorney Docket Number | er SENS P002 | |

| Enclosed is a petition filed under 37 CFR 1.181 that re(g), or (h)). Payment of \$130.00 is enclosed. This form should be included with the above-mentioned petition and faxed or recommendation. | |
|---|---|
| (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under | er 37 CFR 1.17(i), see form PTO/SB/17i. |
| Payment of Fees (small entity amounts are NOT available for the petition. The Commissioner is hereby authorized to charge the following f | on fees) |
| petition fee under 37 CFR 1.17(f), (g) or (h) any | deficiency of fees and credit of any overpayments |
| Enclose a duplicative copy of this form for fee processing. | denotes of tees and ereal of any everpayments |
| Check in the amount of \$ 130.00 is encl | osed. |
| Payment by credit card (Form PTO-2038 or equivalent enclosed) |). Do not provide credit card information on this form. |
| Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462 For petitions filed under: § 1.53(e) - to accord a filing date. § 1.57(a) - to accord a filing date. § 1.182 - for decision on a question not specifically provided for. § 1.183 - to suspend the rules. § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed paymer § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a pate | nt of maintenance fee in an expired patent. nt term. |
| Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 146: For petitions filed under: § 1.12 - for access to an assignment record. § 1.14 - for access to an application. § 1.14 - for filing by other than all the inventors or a person not the inventor. § 1.59 - for expungement of information. § 1.103(a) - to suspend action in an application. § 1.136(b) - for review of a request for extension of time when the provisions of section 1 § 1.295 - for review of refusal to publish a statutory invention registration. § 1.377 - for review of decision refusing to accept and record payment of a maintain filed on § 1.377 - for patent owner requests for extension of time in ex parte reexamination pro § 1.956 - for patent owner requests for extension of time in inter partes reexamination pro § 5.12 - for expedited handling of a foreign filing license. § 5.15 - for changing the scope of a license. | .136(a) are not available. If or after the date the notice of intent to publish issued. If the filed prior to expiration of a patent. If the contract of the |
| Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464 For petitions filed under: § 1.19(g) - to request documents in a form other than that provided in this part. § 1.84 - for accepting color drawings or photographs. § 1.91 - for entry of a model or exhibit. § 1.102(d) - to make an application special. § 1.138(c) - to expressly abandon an application to avoid publication. § 1.313 - to withdraw an application from issue. § 1.314 - to defer issuance of a patent. | 4 |
| K Kregory ! | 06/21/2005 |
| Signature | Date |
| RICHARD L. GREGORY, JR. | 42,607 |
| Typed or printed name | Registration No., if applicable |

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

| Serial/Patent No.: | Filing/Issue Date: |
|---|---|
| Title: General Patent Matters | |
| Atty. Docket No.: SENS.G000 | Date Mailed: July 24, 2002 |
| The following has been received in the U.S. | Patent & Trademark Office on the date stamped hereon: |
| Amendment/Response (pgs.) | Petition for Extension of Time (month(s)) |
| Preliminary Amendment (pgs.) | ☐ Information Disclosure Statement & PTO/SB/08A |
| Application - Utility (pgs.) | ☐ Issue Fee Transmittal |
| Application - Rule 1.53(b) Contin. (pgs | Submission of Formal Drawings |
| Application - Rule 1.53(b) Divis. (pgs.) | Notice of Appeal |
| Application - Rule 1.53(b) CIP (pgs.) | Appeal Brief (pgs. in triplicate) AUG U L |
| Application - Rule 1.53(d) CPA (pgs.) | ☐ Reply Brief |
| ☐ Application - PCT (pgs.) | Response to Notice of Missing Parts |
| Application - Provisional (pgs.) | Utility Patent Application Transmittal |
| ☐ Drawings (sheets) | Fee Transmittal (in duplicate) |
| Declaration & POA (pgs.) | ☑ Itemized Postcard |
| Assignment & Cover Sheet (pgs.) | Express Mail Certificate Of Mailing |
| ☑ Power of Attorney by Assignee | Express Mail No. |
| ☐ Nonpublication Request (35 USC 122(b)) | Check No Amt |
| Other | |
| | |

BEST AVAILABLE COPY

EXHIBIT 1

4 PAGES

09/684,706

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

| Serial No | Filed | Title | Assignment Recorded at Reel/Frame |
|------------|---------------|---|---|
| 09/684,70 | 6 04 Oct 2000 | ÀPPARATUS FOR INTERNETWORKED WIRELESS INTEGRATED NETWORK SENSORS (WINS) | 011538/0184 |
| 09/684,565 | 5 04 Oct 2000 | METHOD FOR COLLECTING AND PROCESSING DATA USING INTERNETWORKED WIRELESS INTEGRATED NETWORK SENSORS (WINS) | 011501/0123 |
| 09/685,020 | 04 Oct 2000 | METHODS AND APPARATUS FOR DISTRIBUTED SIGNAL PROCESSING AMONG INTERCONNECTED WIRELESS INTEGRATED NETWORK SENSORS (WINS) | 011501/0095 |
| 09/685,019 | 04 Oct 2000 | APPARATUS FOR INTERNETWORKED HYBRID WIRELESS INTEGRATED NETWORK SENSORS (WINS) | |
| 09/684,387 | | APPARATUS FOR COMPACT INTERNETWORKED WIRELESS INTEGRATED NETWORK SENSORS (WINS) | 011530/0693 |
| 09/684,490 | 04 Oct 2000 | APPARATUS FOR VEHICLE INTERNETWORKS | 011530/0691 |
| 09/684,742 | | METHOD FOR INTERNETWORKED HYBRID WIRELESS INTEGRATED NETWORK SENSORS (WINS) | |
| 09/680,550 | C | METHOD FOR COLLECTING DATA USING COMPACT INTERNETWORKED WIRELESS NTEGRATED NETWORK SENSORS (WINS) | 011805/0364 |
| 09/685,018 | I | METHOD AND APPARATUS FOR NTERNETWORKED WIRELESS INTEGRATED NETWORK SENSORS (WINS) | 011500/0724 |
| 09/684,388 | 04 Oct 2000 N | ETHOD FOR VEHICLE INTERNETWORKS | 011803/0165 |
| 09/684,162 | 04 Oct 2000 A | PPARATUS AND REMOTE ACCESS OF VEHICLE OMPONENTS | 011530/0616 |

| | | · · · · · · · · · · · · · · · · · · · |
|------------|--|---------------------------------------|
| 09/680,608 | METHOD FOR REMOTE ACCESS OF VEHICLE COMPONENTS | 011538/0200 |

Power of Attorney by Assignee and Certification Under 37 CFR §3.73(b)

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

I, the undersigned, acting on behalf of the Assignee of the entire right, title and interest in the above-referenced patent applications, hereby revoke all prior powers of attorney for said applications and appoint the practitioners at Customer Number 30554, the Customer Number of Shemwell & Gregory LLP, as my/our attorney(s) or agent(s) to prosecute said applications, and to transact all business in the United States Patent and Trademark Office connected therewith. This appointment is to the exclusion of the inventor(s) and their attorney(s) and agent(s) in accordance with the provisions of 37 CFR 3.71.

Effective immediately, please direct all further communications in the aboveidentified patent application to the following address:

Shemwell & Gregory LLP 4880 Stevens Creek Blvd., Ste. 201 San Jose, CA 95129 Telephone: (408) 236-6640 Facsimile: (408) 236-6641 Customer No. 30554

In accordance with 37 CFR 3.73(b), I hereby certify that I am empowered to act on behalf of the Assignee. To the best of my knowledge and belief, title is in the Assignee, as evidenced by the assignments recorded in the Patent and Trademark Office at the above-indicated reel/frame locations or, if not indicated above, by the assignment documents attached hereto.

I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, USC §1001 and that such willful false statements may jeopardize the validity of the this application or any patent resulting therefrom.

| ASSIGNEE: | Sensoria Corporation |
|-------------|--------------------------------------|
| Signature: | X Dan Q C Th |
| Typed Name: | David C. Gelvin |
| Title: | President & CEO |
| Date: | 7/18/02 |
| Address: | 15950 Bernardo Center Drive, Suite J |
| | San Diego, CA 92127 |

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

WILSUM.

APPLICATION NO. FILING DATE FIRST NAMED INVENTOR

ATTORNEY DOCKET NO.

CONFIRMATION NO.

09/684,706

10/04/2000

David C. Gelvin

21200-702

2275

21971

2005

05/05/2005

WILSON SONSINI GOODRICH & ROSATI

EXAMINER

AVELLINO, JOSEPH E ART UNIT

PAPER NUMBER

650 PAGE MILL ROAD PALO ALTO, CA 943041050

> 2143 DATE MAILED: 05/05/2005

RECEIVED

MAY 16 2005 **PERKINS COIE LLP**

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT 2

3 PAGES

SHEMWELL GREGORY & COURTNEY LLP

REVIVE APPL

JUN 2005

| | Application No. | Applicant(s) | | |
|---|---|---|--|--|
| | 09/684,706 | GELVIN ET AL. | | |
| Notice of Abandonment | Examiner | Art Unit | | |
| | Joseph E. Avellino | 2143 | | |
| The MAILING DATE of this communication a | · · · · · · · · · · · · · · · · · · · | | | |
| This application is abandoned in view of: | | | | |
| Applicant's failure to timely file a proper reply to the Office (a) A reply was received on (with a Certificate of period for reply (including a total extension of time | of Mailing or Transmission dated of month(s)) which expired on _ | · · | | |
| , | (b) A proposed reply was received on, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection | | | |
| (A proper reply under 37 CFR 1.113 to a final reject application in condition for allowance; (2) a timely for Continued Examination (RCE) in compliance with 3 | iled Notice of Appeal (with appeal fee); | | | |
| (c) A reply was received on but it does not constinal rejection. See 37 CFR 1.85(a) and 1.111. (See | | empt at a proper reply, to the non- | | |
| (d) ⊠ No reply has been received. | | | | |
| Applicant's failure to timely pay the required issue fee from the mailing date of the Notice of Allowance (PTO) | | the statutory period of three months | | |
| (a) The issue fee and publication fee, if applicable, v), which is after the expiration of the statutory Allowance (PTOL-85). | | | | |
| (b) The submitted fee of \$ is insufficient. A bala | nce of \$ is due. | | | |
| The issue fee required by 37 CFR 1.18 is \$ | . The publication fee, if required by 37 | CFR 1.18(d), is \$ | | |
| (c) The issue fee and publication fee, if applicable, has | not been received. | | | |
| 3. Applicant's failure to timely file corrected drawings as re Allowability (PTO-37). | equired by, and within the three-month | period set in, the Notice of | | |
| (a) Proposed corrected drawings were received on after the expiration of the period for reply. | (with a Certificate of Mailing or Tran | nsmission dated), which is | | |
| (b) No corrected drawings have been received. | | | | |
| 4. The letter of express abandonment which is signed by the applicants. | the attorney or agent of record, the ass | signee of the entire interest, or all of | | |
| 5. The letter of express abandonment which is signed by 1.34(a)) upon the filing of a continuing application. | an attorney or agent (acting in a repres | sentative capacity under 37 CFR | | |
| 6. The decision by the Board of Patent Appeals and Inter- of the decision has expired and there are no allowed cl | | se the period for seeking court review | | |
| · 7. ☑ The reason(s) below: | | | | |
| Examiner has attempted to contact the attorney o failed. | f record, however all attempts to re | geive a status on the case have | | |
| Petitions to revive under 37 CFR 1.137(a) or (b), or requests to without minimize any negative effects on patent term. | - | PRIMARY EXAMINER CFR 1.181, should be promptly filed to | | |
| U.S. Patent and Trademark Office | e of Abandonment | Part of Paper No. 20050430 | | |
| | | 1 art or 1 aper 110. 20000400 | | |

1201 Third Avenue, Suite 4800 Seattle, WA 98101-3099

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\$00.370 05/16/2005 Mailed From 98101 US POSTAGE

Stevens Creek Blvd., Suite 201, San Jose, CA 95129 Richard Gregory, Jr Shemwell & Gregory LLP 4880

9501/621ge